

Romania: a constitutional reform fiasco?

Tomasz Dąbrowski

At the beginning of February the parliamentary committee for amendments to the constitution approved draft amendments to the Romanian constitution which in general limit presidential competences in favour of the government and parliament. However, on 16 February the Constitutional Court returned a verdict that the proposed amendments to 25 articles were contrary to the constitution. They included the mechanism for appointing a prime minister in which the head of state would nominate the leader of the party which won the election. As part of further work on the amendments, it is envisaged that the draft will be sent for opinion to the Venice Commission of the Council of Europe, worked out and voted on in parliament, and that the Constitutional Court will issue another opinion. Should the Constitutional Court deem the amendments to still be incompatible with the constitution, the draft will be sent back to parliament. Leaders of the ruling Social Liberal Union (USL) announced in January that the referendum (this is required in order to approve the constitution) would be combined with the European Parliament election scheduled for 24 and 25 May.

Commentary

- The ruling USL, which is composed of the Social Democrats, National Liberals and two other smaller parties, has a constitutional majority and enjoys wide support in society, mainly due to its skilfully managing society's aversion to President Traian Basescu and the fact that the economic situation is improving (in 2013 the GDP increased by 3.5% year on year). In spite of having a constitutional majority in parliament, USL has serious problems introducing the reforms of the political system it has announced. It has not succeeded in completing the territorial and administrative reform (the introduction of eight or nine regions to replace 41 districts) and the decentralisation of the country. These difficulties in agreeing and implementing a cohesive vision of the restructuring of the state are mainly due to a constant power struggle inside USL and the coalition's heterogeneous character.
- The fact that the Constitutional Court has challenged a great number of the amendments, including the system of appointing prime minister, will substantially complicate the plan to swiftly amend the constitution. Although a complete justification of the verdict has not yet been issued it is likely that it will make it impossible to establish a parliamentary-cabinet system. This affects the image of the USL which has presented the amendments to the constitution as a symbolic closure of the era of President Basescu's rule.

characterised by his *active* engagement in internal politics. In 2004 and 2009 the president, whose term in office ends in December this year, did not accept the appointment of a candidate from the Social Democratic Party as head of the government, despite the fact that they had the largest number of seats in parliament at that time.

- The difficulties in amending the constitution come as another challenge for the USL to maintain its stability before the presidential election planned for November this year. According to the coalition agreement, USL's candidate for president will be Crin Antonescu, the leader of the National Liberals. The Social Democrats, who still have a dominant position in the USL, are however growing increasingly reluctant to support his candidacy. The coalition has been on the verge of a break-up many times and is at present undergoing a crisis because of disputes over the reshuffle of the government and the campaign for the European Parliament election. In February three parties from USL established a common electoral bloc, known as the Social Democratic Union, and this grouping does not include the National Liberals.